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Subregional Centre for Human Rights and Democracy in Central Africa

Report of the Secretary-General*

Summary

The present report is submitted pursuant to General Assembly resolution 70/167 and outlines the work and achievements of the Subregional Centre for Human Rights and Democracy in Central Africa from 1 August 2015 to 31 July 2017. The report also describes the particular challenges facing the Centre and opportunities for further engagement in the subregion.

* The present report was submitted after the deadline in order to reflect the most recent developments.

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I. Introduction

1. The Subregional Centre for Human Rights and Democracy in Central Africa was established in 2001 at the request of the member States of the Economic Community of Central African States (ECCAS), pursuant to a resolution adopted by the United Nations Standing Advisory Committee on Security Questions in Central Africa at its fourth meeting, held in Yaoundé in April 1994, and resolutions 53/78 A and 54/55 A of the General Assembly.

2. The Centre also operates as the regional office for Central Africa of the Office of the United Nations High Commissioner for Human Rights (OHCHR), covering 10 member States of ECCAS (Burundi, Cameroon, the Central African Republic, Chad, the Congo, the Democratic Republic of the Congo, Equatorial Guinea, Gabon, Rwanda and Sao Tome and Principe). In accordance with its mandate, the Centre works for the promotion and protection of human rights and democracy through advocacy, dialogue and the provision of technical assistance and advisory services to Governments, parliaments, United Nations country teams, national human rights institutions, civil society organizations, the media and other partners.

3. The present report focuses on the activities and achievements of the Centre in Cameroon, the Congo, Equatorial Guinea, Gabon and Sao Tome and Principe. The type of field presence of OHCHR in other countries of the subregion varies, as does its reporting mandates: there is a human rights component in the peace missions in the Central African Republic and the Democratic Republic of the Congo; human rights advisers are present in Rwanda and Chad; and there is a country office in Burundi. The report does not describe the major political, peace and security developments in Central Africa, which are covered elsewhere (see S/2017/465). In addition, the human rights situation in some countries of the subregion is addressed in reports prepared by the human rights components of the peace missions, the human rights advisers and the country office.

II. Main human rights developments in the subregion

4. Two countries of the subregion, Cameroon and Chad, continued to be affected to varying degrees by the Boko Haram insurgency that has prevailed in the Lake Chad Basin area since 2013. Despite the significant progress made by the countries concerned in the fight against the insurgency, the population has continued to suffer under the attacks of Boko Haram and related counterinsurgency measures. A range of fundamental human rights and freedoms have been infringed in that context, notably the rights to life and security of the person; to freedom of expression and opinion, association, peaceful assembly and religion; and to adequate housing, food and education.

5. The Centre continued to advocate that counterterrorism measures must comply with international human rights norms. While a moratorium on the death penalty had been observed for more than two decades in Cameroon and Chad, their anti-terrorism legislation, adopted in 2014 and 2015, respectively, includes the death penalty for the perpetrators of terrorist acts. In July 2015, the suspected perpetrators of the terrorist attacks carried out in N'Djamena in June 2015 were executed following a speedy trial and before the period of time allowed for the exercise of the right to appeal had elapsed, which may have amounted to a violation of fair trial guarantees. In general, however, the trial proceedings involving suspects of terrorism remained slow in both countries.

6. During the period under review, the human rights situation in the five countries that are the focus of the present report was affected by the presidential

elections held in several countries. While elections were held in a relatively peaceful environment in the Central African Republic, Equatorial Guinea and Sao Tome and Principe, the elections held in Chad, the Congo and Gabon were marked by disputed results and post-election violence, which led to human rights violations in the last two countries. In addition, the exercise of freedom of opinion and expression, particularly for trade unions and human rights organizations, and freedom of association and peaceful assembly were hindered in the context of the electoral processes in Chad, the Congo and Gabon; for example, Internet services were interrupted and social media were blocked by the authorities during the electoral periods. In some cases, freedom of movement was restrained by measures taken by the authorities to deal with the post-election violence. While some countries expressed a commitment to improving the political participation of women and other groups that typically face discrimination in political life, no concrete measures were taken in that regard in terms of legislation or policies.

7. In the English-speaking north-west and south-west regions of Cameroon, protests by lawyers and teachers denouncing alleged marginalization and the attempted erosion of the common law system and of the education system were at times met with heavy-handed responses by security forces, including alleged serious human rights violations. Since the crisis broke out in October and November 2016, courts and many schools have remained closed in the two regions. In December 2016, the crisis degenerated and calls for protests, including cases of civil disobedience, and strikes by the Cameroon Anglophone Civil Society Consortium were largely followed by the population of the two regions. In an attempt to contain the protests, the Government banned the Consortium and all other associated groups, including those calling for secession, and cut off Internet access in the two regions for nearly three months. Some leaders of the protests were arrested and put on trial at the military court of Yaoundé under the anti-terrorism law of 2014, while others went into hiding or fled the country. Concerns about the trial of civilians by a military court have been raised by OHCHR, other United Nations system entities and special procedures of the Human Rights Council through letters and urgent appeals to the Government of Cameroon and public statements.

8. On 30 August, the President ordered the release of the detained leaders and members of the Anglophone community. In a statement issued the same day, the Secretary-General welcomed the decision, expressing the hope that this step would lead to a further lowering of tensions and the strengthening of political dialogue. He also encouraged the authorities to pursue their efforts to address the grievances of the Anglophone community and promote measures of national reconciliation to find a durable solution to the crisis. The Secretary-General reiterated the readiness of the United Nations to continue to support such efforts.

III. Activities of the Centre from 1 August 2015 to 31 July 2017

9. During the reporting period, the Centre implemented activities included in its programme for 2015 (August to December), 2016 and 2017 (January to July), in the framework of the thematic priorities of the OHCHR management plan for 2014-2017. These priorities included: widening the democratic space; human rights in development and the economic sphere; early warning and protection of human rights in situations of conflict, violence and insecurity; combating impunity and strengthening accountability and the rule of law; and strengthening the effectiveness of international human rights mechanisms and the progressive development of international human rights law and standards.

A. Widening democratic space

1. Participation of groups that face discrimination in political life

10. In Cameroon, the Congo, Gabon and Sao Tome and Principe, some progress has been achieved in efforts to increase the participation of indigenous peoples, persons with disabilities and other groups that face discrimination in political life.

11. Before the presidential elections in the Congo, Gabon and Sao Tome and Principe in 2015 and 2016, the Centre provided technical support through capacity-building and sensitization of members of electoral bodies and the election management bodies to increase the participation of persons with disabilities, indigenous people and women in political and public affairs. This contributed to the increased participation of women in the presidential elections in the Congo, Gabon and Sao Tome and Principe. Such progress was also partly attributable to the efforts made by various political parties, including the adoption of "zebra" candidate lists at a national workshop organized by the Centre in Libreville in September 2015, involving the participation of representatives of political parties, women's organizations and persons with disabilities.

12. In Cameroon, as a result of sensitization and advocacy efforts by the Centre, board members of the election management body, Elections Cameroon, resolved to revise the electoral code to include a provision for the establishment of parity between men and women in the candidate lists of political parties. As a result of advocacy by the Centre, the political parties in Cameroon committed to developing a plan of action to encourage the increased participation of women, persons with disabilities and indigenous people in the legislative and presidential elections in 2018. Elections Cameroon and its partners have also strengthened their advocacy for the adoption of a policy to provide free national identity cards to persons with disabilities to facilitate their access to voting. The Centre has continued to work with Elections Cameroon to ensure that the policy is in place before the elections to be held in 2018. The appointment of indigenous representatives to the local mixed electoral commissions is being prioritized by Elections Cameroon in response to advocacy efforts by the Centre.

2. Respect for freedom of opinion and expression

13. There was an overall improvement in the contribution of the media to the recent electoral processes in the subregion, as compared with previous elections. Throughout 2016, the Centre and the United Nations Regional Office for Central Africa (UNOCA) provided a series of training sessions for media professionals in countries where elections were due to be held. Six training sessions were thus organized in the Central African Republic, Chad, the Congo, Equatorial Guinea, Gabon and Sao Tome and Principe. The prevalence of the use of hate speech and violent language by the media has subsequently decreased, and media professionals have enhanced their role in promoting peaceful electoral processes, including by raising public awareness, prerecording or editing political programmes in order to eliminate the use of hate speech and offering an open platform for communication to all political actors. In August 2016, the Centre organized a regional workshop on elections and human rights in Douala, Cameroon, convening representatives of national human rights institutions and election management bodies in Central Africa. Participants focused on means to enhance the protection of civil and political rights in the context of elections and recommended the establishment of public-private media mechanisms in order to combat the use of hate speech.

3. Legal protection of human rights

14. In terms of new developments during the reporting period, in 2015, a constitutional reform in the Congo led to the strengthening of human rights protection and to the abolition of the death penalty. In addition, the review of decrees for implementation of laws protecting indigenous peoples, advocated by the Centre since 2013, was completed in December 2016 and was awaiting promulgation as at August 2017.

15. In Cameroon, the parliament adopted a new penal code in June 2016, which strengthens human rights standards, especially in relation to the protection of women, including with regard to access to property and the prohibition of harmful cultural practices such as widowhood rites, breast ironing and female genital mutilation. In addition, the electoral code protects the right of persons with disabilities to participate in elections, particularly through provisions for the designation of polling stations and the preparation of adequate voting material to ensure access. The Centre continued to work with the parliament to provide technical support and capacity-building to its members and staff to promote the effective involvement of marginalized groups in political processes.

B. Human rights in development and in the economic sphere

16. The Centre remained actively engaged in the area of human rights and business through advocacy and the provision of guidance to States and companies in the subregion with a view to strengthening their commitment to protecting human rights.

17. In Cameroon, for example, three companies (one private and two State-owned) are leading the way in human-rights-based business development as a result of capacity-building, field visits and sensitization efforts by the Centre. One project, initiated with the private agro-industrial company Hevea Cameroon (Hevecam) in 2014, led to the establishment of an internal complaints mechanism for workers and of dialogue structures between the company and local communities affected by its activities in the Kribi area in the south of the country. In 2015, Hevecam also adopted an internal policy to promote the implementation of the Guiding Principles on Business and Human Rights, following the training of their management staff by the Centre. Hevecam also adopted an internal declaration of human rights, which sets out a basic human rights action plan for the company.

18. Following a previous successful experience with the Electricity Development Corporation, the Centre engaged with the Cameroon Development Corporation, which is the country's second largest employer after the public service, with more than 22,000 workers across plantations in the north-west and south-west regions. To monitor the progress made by the Cameroon Development Corporation in integrating human rights, more than 30 journalists from these regions, trained by the Centre in business and human rights, visited factories and engaged in dialogue with managers. Senior managers and selected journalists subsequently attended a training-of-trainers workshop on human rights and business from 8 to 10 November 2016. Similar training sessions were held for other staff members throughout 2017 with the support of the Centre.

19. These experiences have placed the Centre in a strategic position to initiate and encourage dialogue with State-owned and private sector companies for the promotion and protection of human rights in all areas of their business operations. The experience in Cameroon is gradually being replicated by the Centre in the Congo, Equatorial Guinea and Gabon.

C. Early warning and protection of human rights in situations of conflict, violence and insecurity

20. The Centre continued to participate actively in the meetings of the United Nations Standing Advisory Committee on Security Questions in Central Africa. At the meetings held during the reporting period, in Bangui, Sao Tome and Yaoundé, the Centre drew the attention of Member States to the human rights situation in the subregion and calling for increased efforts to protect human rights. The Centre also advocated increased cooperation with the United Nations human rights mechanisms and more concerted efforts in implementing their recommendations. On these occasions, the Centre advocated, in particular, respect for and protection of human rights in electoral processes and in counterterrorism efforts, taking into account the prevailing situation in the subregion.

21. Cooperation between the Centre and UNOCA was further strengthened, including through the recruitment of a human rights adviser to the Special Representative of the Secretary-General for Central Africa, based in Libreville, which has led to a more concerted approach to human rights issues in the subregion. For example, the Centre participated in a good offices mission of UNOCA to the Congo prior to the presidential elections of 20 March 2016. Meetings were held with high-level government officials in Cameroon, the Congo, Equatorial Guinea, Gabon and Sao Tome and Principe to discuss the impact of political instability and insecurity on the enjoyment of human rights.

22. From 13 June to 25 July 2016, the Centre conducted a human rights assessment mission to the Congo following the post-election crisis and shared its findings with the Government, including recommendations to address the human rights challenges. In particular, the Centre called for the release of political detainees and other confidence-building measures to ease tensions in the Pool region. The Centre undertook a follow-up mission, from 20 June to 5 July 2017, to evaluate the implementation of its recommendations and asses: the situation, including in the Pool region. The Centre raised concerns with the Government regarding the deteriorating human rights situation, which has led to mass internal displacements and a growing number of related humanitarian concerns. This was followed up by a high-level dialogue between the Government of the Congo and the High Commissioner for Human Rights, which led to concrete follow-up agreements.

23. In Cameroon, to ensure the integration of human rights into humanitarian planning and response, the Centre contributed to the strengthening of the human rights capacities of the protection officers of several United Nations agencies operating in the Far North region, including for the identification and referral of cases of human rights violations and abuses to competent authorities. The Centre also initiated dialogue with local law enforcement officials in that region to guarantee increased protection for refugees following reported cases of harassment of refugees suspected of having links with terrorism and of the arrest and detention of refugees when they leave the camps. In September 2016 and March 2017, the Centre trained a group of civil society organizations working in the Far North region on human rights monitoring and reporting. As a result, more than 30 civil society organizations have been sharing information with the Centre on the situation of human rights in that region.

D. Combating impunity and strengthening accountability and the rule of law

24. As mentioned above, the anti-terrorism laws adopted in Cameroon and Chad in 2014 and 2015, respectively, impose the death penalty for persons convicted on charges of terrorism despite the observation of a moratorium for more than 20 years. Moreover, in both countries, the wide scope of the law infringes on the protection of fundamental freedoms. The Centre has therefore been advocating the repeal of these laws. In Cameroon, the Centre continued to advocate in favour of due process of law and the right to a fair trial for persons charged with terrorism.

25. The Centre strengthened the capacities of 30 officers of the gendarmerie, the police and the rapid intervention brigade based in the Far North region regarding their role and responsibility in protecting human rights while countering terrorism. A positive outcome of this training was a request from the participants for a discussion forum to be organized with civil society actors and protection officers of United Nations and other humanitarian organizations on challenges faced in the field and how mutual support could be provided to ensure that the fight against terrorism does not undermine human rights.

E. Strengthening the effectiveness of international human rights mechanisms and the progressive development of international human rights law and standards

1. Ratification of international and regional human rights instruments

26. Permanent dialogue with authorities in the subregion has been critical to promoting the ratification of international instruments. For example, in Equatorial Guinea and Sao Tome and Principe, the authorities acknowledged the importance of the work of the Centre in raising awareness, especially among parliamentarians, on the ratification of international human rights instruments and reporting on implementation.

27. In Sao Tome and Principe, following sustained advocacy by the Centre, with the support of the United Nations country team, the Government ratified nearly all of the international human rights instruments. In November 2016, it deposited the instruments of ratification for the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention on the Elimination of All Forms of Racial Discrimination; and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The country also ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

28. In Equatorial Guinea, the Third Deputy Prime Minister, who is responsible for human rights, declared the Government's commitment to promoting human rights at the opening ceremony of a capacity-building workshop for civil society organizations and staff of the national human rights directorate. To help the country to improve its engagement with United Nations human rights mechanisms, a compilation of the recommendations of the human rights mechanisms and the status of ratification of human rights instruments was prepared with the support of the United Nations Development Programme (UNDP) and the Centre. In general, in the countries covered, the Centre strengthened the capacities of representatives of Governments, institutions and civil society organizations on the new methodology

for drafting reports to treaty bodies and follow-up to the implementation of recommendations of human rights mechanisms. This led to the compilation by Governments, with support from the Centre and the United Nations country team, of all recommendations emanating from treaty bodies, the universal periodic review and special procedures and to the development of a national plan of action for the implementation of those recommendations.

29. Moreover, continued efforts by the Centre have led to a gradual increase in the number of regional instruments ratified by the States of the subregion.

2. Reporting to human rights mechanisms and follow-up to recommendations

30. There has been progress in several countries of the subregion with regard to reporting to human rights mechanisms. In the Congo, Equatorial Guinea, Gabon and Sao Tome and Principe, members of the interministerial committees on human rights, parliaments, national human rights institutions and non-governmental organizations are increasingly aware of the status of ratification of international human rights instruments and related reporting obligations. In those countries, the Centre trained members of the national committees responsible for reporting to strengthen their capacity to draft reports and ensure follow-up to the implementation of recommendations of human rights mechanisms.

31. With technical support from the Centre, Cameroon and Equatorial Guinea have made significant progress in reporting to the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child. The forthcoming fourth periodic report of Cameroon to the Committee on Economic, Social and Cultural Rights was finalized in October 2016 and validated by an interministerial committee on reporting at a workshop held in March 2017, organized with support from the Centre. In Equatorial Guinea, members of the national committee on the rights of the child boosted their reporting capacity as a result of training provided jointly by the Centre and the United Nations Children's Fund (UNICEF) in July 2016.

32. With the support of the Centre, Gabon has prepared periodic reports for submission to the Committee against Torture. However, the establishment of a national mechanism for the prevention of torture, as recommended by the Committee against Torture and advocated by the Centre, has been delayed owing to the post-election crisis and ensuing national dialogue.

33. With technical and financial support from the Centre and the United Nations Population Fund (UNFPA), the Government of Sao Tome and Principe drafted its initial report on the Convention on the Elimination of All Forms of Discrimination against Women, which it submitted in 2017.

34. The Centre notes that Governments in the subregion have been more active in implementing recommendations of the United Nations human rights mechanisms. In particular, with the support of the Centre, the Governments of Cameroon, the Congo, Equatorial Guinea, Gabon and Sao Tome and Principe have prepared compilations of the recommendations of treaty bodies, the universal periodic review and special procedures. Cameroon, the Congo and Equatorial Guinea have also been developing national plans of action to implement those recommendations. French-speaking countries of the subregion and Madagascar[1] created a network of members of interministerial committees to strengthen cooperation with the United Nations human rights mechanisms following a regional training session organized by the Centre in Douala in September 2016.

[1] Also covered under the capacity-building on the treaty bodies provided by the Centre.

3. Role of other actors in reporting processes

35. Following the capacity-building efforts undertaken by the Centre, civil society organizations in Cameroon have become increasingly aware of international human rights mechanisms and their functioning and have been effectively involved in preparing and submitting shadow reports. Since 2015, shadow reports have been prepared and submitted by several civil society platforms in Cameroon, including a platform on economic, social and cultural rights and a platform on the rights of the child, known as the Cameroon Child Rights Network. The Centre has also developed its cooperation with the national human rights institution, including strengthening its capacity to contribute to State reports. Some of the members of the platforms are also members of the interministerial committee for reporting to the Committee on the Rights of the Child, led by the Ministry of Women's Empowerment and the Family, which received regular technical assistance from the Centre. Civil society organizations focusing on areas of Cameroon affected by terrorism have also increasingly referred to international human rights instruments in their monitoring of human rights violations. They have been providing information on human rights to authorities and national human rights structures.

36. Similarly, in Equatorial Guinea, the awareness of civil society organizations of human rights mechanisms has grown following training sessions organized by the Centre. These organizations are now less cautious than before in their interactions with external organizations and funders and have started to relay information on some of the human rights challenges that the country is facing. In addition, they have made suggestions on how civil society organizations can be supported to assist in implementing the recommendations of the United Nations human rights mechanisms.

4. Cooperation with special procedures

37. Since January 2015, no special procedures mandate holder has visited Cameroon, the Congo, Equatorial Guinea, Gabon or Sao Tome and Principe. In the case of Cameroon, the requests sent by the Working Group on Arbitrary Detention and the Special Rapporteur on the independence of judges and lawyers went unanswered. However, the Government of Cameroon accepted the request for a visit by the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, and sent an invitation to the Special Rapporteur on the rights of indigenous peoples. These visits have not yet been conducted. Regarding Gabon, the request sent by the Special Rapporteur on the sale and sexual exploitation of children has not yet been answered. In addition, the requests by the Special Rapporteur on the independence of judges and lawyers to visit Equatorial Guinea and Sao Tome and Principe are still pending. As part of its advocacy efforts, the Centre has consistently encouraged the Governments in the subregion to accept visits of special procedures mandate holders.

5. Cooperation with Member States

38. The Centre organizes regular information sessions for diplomatic representatives to inform them of the activities of the Centre. These representatives have expressed appreciation for the efforts of the Centre to support Governments in improving their human rights records and have called upon the Centre to increase such assistance, including by liaising with subregional organizations to develop a joint advocacy strategy for appropriate measures, for instance to ease post-election tensions in the Congo and Gabon.

IV. Challenges

39. The increased insecurity in the subregion, particularly in the Lake Chad Basin, and the political instability in Gabon and the Congo have had a significant impact on the ability of the Centre to implement its activities in those countries. The workload of the Centre has increased as it has had to carry out unplanned activities in response to those situations. Certain requests by Governments and civil society in those countries could not be handled by the Centre owing to the post-election security situation. There has also been growing demand for capacity-building activities in support of Governments and national human rights institutions. In general, those institutions remain weak, thus requiring the continuous provision of technical support.

V. Lessons learned

40. The technical support provided and the practical approaches used by the Centre produced results during the reporting period. Several countries reacted positively to initiatives aimed at harmonizing national legislation and policies with international human rights standards and principles and strengthening institutions.

41. Cooperation with United Nations country teams and subregional organizations, notably ECCAS and the International Conference on the Great Lakes Region, has raised the profile of the Centre and facilitated its work in the subregion. Moreover, consistent results have been achieved through the implementation of joint activities, including consistent follow-up, with UNDP, UNOCA and the human rights components of the peace missions. Cooperation with UNDP, UNFPA, UNICEF and the United Nations Office on Drugs and Crime, for example, helped to limit the duplication of efforts and proved rewarding in terms of the impact of the work. Joint advocacy and activities with the regional office for Central Africa and resident coordinators in the Congo, Equatorial Guinea, Gabon and Sao Tome and Principe have led to increased cooperation between these countries and United Nations human rights mechanisms.

42. As a result of the efforts made over the years by the Centre to build the capacity of media professionals and to develop a pool of human rights journalists in the subregion, the media have contributed significantly to the success of the work of the Centre by providing improved sensitization and awareness on human rights issues. Continuous engagement with the media remains a strategic element of the Centre's efforts aimed at promoting human rights and democracy in the subregion. In 2016, more than 184 articles were published in the written and online press on activities for the promotion of human rights and democracy organized by the Centre in the subregion, in addition to several dozen television and radio reports.

VI. Conclusion and recommendations

43. **The human rights and security situation has deteriorated in the subregion owing to several factors, including the continued activities of Boko Haram and related security responses. Recent political crises in the subregion and their negative impact on the enjoyment of human rights also underscored the need for increased activities for the protection and promotion of human rights. The Centre conducted assessments in Cameroon and the Congo with a view to providing relevant United Nations entities with information on the human rights situation in those countries.**

44. **The Centre currently operates with a very limited number of staff, including a regional representative and director, a regional adviser on democracy, two human rights officers, one national programme officer, one communications and advocacy associate, two programme assistants and five support staff. The Centre benefits from a very popular fellowship programme, initiated in 2002, for young professionals from the subregion. The programme includes fellowships in human rights, democracy, gender and women's human rights, as well as documentation relating to those fields.**

45. **Cooperation with Governments in specific areas has remained difficult, notably on the protection of the human rights of vulnerable groups, cooperation with special procedures and strengthening of national human rights institutions. Despite persistent advocacy by the Centre, the Congo, Equatorial Guinea and Gabon have not yet taken measures to strengthen their national human rights institutions with a view to ensuring their compliance with the Paris Principles.**

46. **The Centre is facing increased demand to assess the human rights situation in the countries of the subregion and provide technical assistance, including to strengthen the capacity of Governments and national human rights institutions in the region and support the work of the United Nations, regional organizations and civil society. Meeting that demand, however, will require additional human and financial resources from Member States, and I appeal to Member States of the region, in particular, to consider increasing their contributions to the Centre.**